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Governor Edmund G. Brown Jr.

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF
THE CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of March 20, 2014, carefully reviewed and considered the attached Compliance Review Report of the California Community Colleges Chancellor's Office submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the California Community Colleges Chancellor's Office's personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.



SUZANNE M. AMBROSE
Executive Officer

COMPLIANCE REVIEW REPORT CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE FINDINGS AND RECOMMENDATIONS MARCH 20, 2014

Examinations

During the compliance review period, from May 1, 2011 through October 31, 2012, the California Community Colleges Chancellor's Office (Chancellor's Office) conducted 18 examinations. The SPB reviewed 7 of those examinations, which are listed below:

| Classification Title | Examination Type | Examination Component | No. of Eligibles |
|--|--------------------------|---|------------------|
| Accounting Officer Specialist I (AOS I) | Departmental Promotional | Education and Experience ¹ (E&E) | 2 |
| Vocational Education Administrator (VEA) | Open Non-Promotional | Qualifications Appraisal Panel ² (QAP) | 16 |
| Career Executive Assignment (CEA), Vice Chancellor, Communications | CEA | Statement of Qualifications ³ (SOQ) | |
| Community College Program Assistant II (CCPA II) | Open Non-Promotional | QAP | 29 |
| Senior Accounting Officer (SAO) | Departmental Promotional | E&E | 1 |

¹ In an Education and Experience (E&E) examination, one or more raters reviews, scores, and ranks an applicant's Standard 678 application form according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

² The Qualifications Appraisal Panel (QAP) interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform the duties of the job classification for which he/she is testing.

³ In a Statement of Qualifications (SOQ) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, who are typically subject matter experts, evaluate the summaries according to a predetermined rating scale designed to assess an applicant's ability to perform the duties of the job classification for which he/she is testing. The raters also assign scores and rank the applicants on a list.

| Classification Title | Examination Type | Examination Component | No. of Eligibles |
|--|--------------------------|-----------------------|------------------|
| General Vocational Education Specialist (GVES) | Open Non-Promotional | QAP | 18 |
| Systems Software Specialist III (Tech) (SSS III) | Departmental Promotional | E&E | 2 |

FINDING NO. 1 – Chancellor's Office Did Not Conduct a Job Analysis for the Civil Service Examinations Reviewed

The Merit Selection Manual (MSM), which is incorporated in California Code of Regulations, title 2, § 50, mandates the development and use of a job analysis for the examination process. A "job analysis shall serve as the primary basis for demonstrating and documenting the job-relatedness of examination processes conducted for the establishment of eligible lists within the State's civil service." (MSM (Oct. 2003), § 2200, p. 2.) The MSM requires that job analyses adhere to the legal and professional standards outlined in the job analysis section of the MSM, and that certain elements must be included in the job analysis studies. (*Ibid.*) Those requirements include the following: (1) that the job analysis be performed for the job for which the subsequent selection procedure is developed and used; (2) the methodology utilized be described and documented; (3) the job analytic data be collected from a variety of current sources; (4) job tasks be specified in terms of importance or criticality, and their frequency of performance; (5) and job tasks must be sufficiently detailed to derive the requisite knowledge, skills, abilities (KSAs), and personal characteristics that are required to perform the essential tasks and functions of the job classification. (MSM, § 2200, pp. 2-3.)

While a job analysis was not required for the CEA examinations that the Chancellor's Office administered, a job analysis was required for each of the civil service examinations. The Chancellor's Office did not prepare a formal job analysis before developing each of the six non-CEA examinations. Therefore, there is no proof that the examinations are valid and job-related. The Chancellor's Office's practice is to have its two personnel specialists refer to the classification's Form 511-B to develop examinations. This form does not rate the knowledge, skills, abilities, and personal characteristics (KSAPC) that a job analysis contains, and therefore is not the basis for establishing the best testing instrument for the KSAPCs.

| Classification | List Active Date | List Expiration Date | No. of Eligibles | No. of Vacant Positions |
|---|------------------|----------------------|------------------|-------------------------|
| Accounting Officer Specialist I | 1/19/2012 | 1/19/2013 | 0 | 0 |
| Vocational Education Administrator | 10/1/2012 | 10/1/2013 | 0 | 0 |
| Community College Program Assistant II | 2/1/2012 | 2/1/2013 | 21 | 1 |
| Senior Accounting Officer | 12/1/2010 | 12/1/2014 | 0 | 0 |
| General Vocational Education Specialist | 9/1/2011 | 9/1/2015 | 0 | 2 |
| Systems Software Specialist III (Technical) | 5/25/2010 | 5/25/2014 | 0 | 1 |

To correct this deficiency, the Chancellor's Office must abolish the examination lists that have not expired or for the following classifications:

- 1) Senior Accounting Officer
- 2) General Vocational Education Specialist
- 3) System Software Specialist III (Technical)

Within 60 days of the Board's Resolution adopting these findings and recommendations, the Chancellor's Office must submit to the SPB a written report of compliance verifying that the above-stated examination lists have been abolished. In addition, prior to the Chancellor's Office administering any future examinations, the Chancellor's Office must create and develop examinations in accordance with the requirements of the Merit Selection Manual.

Furthermore, the Compliance Review Division (CRD) finds the appointments that were made from the examinations that were administered without a job analysis were made in good faith, more than a year old, and did not merit being voided.

The Board is aware of the complex nature of and amount of time required to develop and complete a job analysis. It is thus also recommended that within 60 days of the Board's Resolution adopting these findings and recommendations, the Chancellor's Office submit to the SPB a written corrective action plan describing what steps will be taken to develop job analyses for any new examinations that the Chancellor's Office conducts in the future.

FINDING NO. 2 – Chancellor's Office Accepted Unsigned Applications for Two Examinations

Applications for examination must feature the applicant's signature. (Gov. Code, § 18934.) The Chancellor's Office accepted a large number of unsigned Standard Form 678 (STD. 678) applications from applicants for the Community College Program Assistant II exam (5 of 21 accepted) and Specialist, General Vocational Education exam (18 of 34 accepted).

An applicant's signature on the STD. 678 indicates his or her warranty that all information in the application is true and complete to the best of his or her knowledge. A department that relies upon the truthfulness of the information contained on the form regarding education and work experience may unknowingly test and later hire an individual who has misrepresented his or her background. The signature on the STD. 678 provides the department with grounds for employment action if the information is later found to be fraudulent.

To ensure compliance with civil service laws and Board rules, the Chancellor's Office should review its exam processing procedures, and determine new approaches that ensure all applications are signed before being accepted for examination.

It is thus recommended that within 60 days of the Board's Resolution adopting these findings and recommendations the Chancellor's Office submit to the Board a written report of compliance that includes relevant documentation of changes in its examination application processing.

Equal Employment Opportunity

The SPB reviewed the Chancellor's Office's EEO policies, procedures, and program that were in effect during the compliance review period. In addition, the SPB communicated with appropriate Chancellor's Office staff.

FINDING NO. 3 – Chancellor's Office's EEO Officer Is Not a Manager and the Position Does Not Directly Report to the Chancellor

The Equal Employment Opportunity Officer must be a manager and must report directly to, and be under the supervision of, the director of the department. (Gov. Code, § 19795(a).) The Chancellor's Office's EEO Officer is an Associate Personnel Analyst, not a manager. She reports directly to the Executive Vice Chancellor. No separate,

direct reporting relationship with the Chancellor has been created for her EEO responsibilities.

Because the EEO Officer investigates and ensures proper handling of discrimination, sexual harassment and other employee complaints, the position requires separation from the regular chain of command, as well as regular and unencumbered access to the head of the organization.

The Chancellor's Office must therefore reassign the EEO Officer's responsibilities to an individual at the managerial level. Further, the Chancellor's Office must establish a direct reporting relationship between the Chancellor and the EEO Officer with regard to the position's EEO responsibilities. The Chancellor's Office must implement these organizational changes within 60 days of the Board's Resolution adopting these findings and recommendations, and submit to the SPB a written report of compliance that includes copies of any relevant documentation.

FINDING NO. 4 – The Chancellor's Office Does Not Have Its Own Internal Discrimination Complaint Process

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. Each state agency is responsible for monitoring the effectiveness of its EEO programs, which includes issuing procedures for filing, processing, and resolving discrimination complaints within the agency, and for filing appeals from agency decisions on these complaints. (Gov. Code § 19794.) In addition, each agency is required to establish in writing its own internal discrimination complaint process. (Cal. Code Reg., tit. 2, § 64.3.)

The Chancellor's Office does not have its own internal discrimination complaint process, but refers complainants to the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC) to seek resolution of discrimination complaints.

The Chancellor's Office must therefore establish its own internal discrimination complaint system within 60 days of the Board's Resolution adopting these findings and recommendations, and submit to the SPB a written report of compliance that includes copies of any relevant documents.

FINDING NO. 5 – The Chancellor’s Office Does Not Operate a Disability Advisory Committee

Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

The Chancellor’s Office must therefore establish a disability advisory committee, and invite all employees—both disabled and non-disabled—to participate. Once established and operating, the DAC should be afforded direct access to the Chancellor in order to inform the Chancellor of issues of interest and concern related to employment of persons with disabilities. Within 60 days of the Board’s Resolution adopting these findings and recommendations, the Chancellor’s Office must submit to the SPB a written report of compliance that includes copies of any relevant documentation.

DEPARTMENTAL RESPONSE

The Chancellor’s Office was provided a copy of the initial report to review. A copy of the Chancellor’s Office’s response is attached as Attachment 1.

SPB REPLY

Based upon the Chancellor’s Office’s written response, the Chancellor’s Office will abolish the lists created without a job analysis and is currently in process of developing job analyses for all examinations. The Chancellor’s Office will also update their process for unsigned applications, implement organizational changes for the EEO officer to report directly to the Chancellor, establish an internal discrimination complaint process, and establish a disability advisory committee.

It is recommended that the Chancellor’s Office comply with the afore-stated recommendations within 60 days of the Board’s Resolution and submit to the SPB a written report of compliance.

The SPB appreciates the professionalism and cooperation of the Chancellor's Office during this compliance review.

CALIFORNIA COMMUNITY COLLEGES

CHANCELLOR'S OFFICE

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<http://www.cccco.edu>



Attachment 1

February 27, 2014

State Personnel Board
Compliance Review Board
Attn: Michael Brunette
801 Capitol Mall
Sacramento, CA 95814

Dear Mr. Brunette,

Thank you for the opportunity to meet with you to discuss our Compliance Review Report for the Board of Governors, California Community Colleges Chancellor's Office (Chancellor's Office).

We have reviewed your findings and have the following responses:

FINDING NO. 1 – CHANCELLOR'S OFFICE DID NOT CONDUCT A JOB ANALYSIS FOR THE CIVIL SERVICE EXAMINATIONS REVIEWED

The Chancellor's Office is in the process of developing Job Analyses for each civil service examination that is conducted by our office. We will also be submitting a written corrective action plan to the SPB describing the steps that will be taken in the process of development and will be using these job analyses for any new examinations that are conducted in the future.

Pursuant to your direction, we are in the process of abolishing the following lists:

Senior Accounting Officer
Specialist in General Vocational Education
System Software Specialist III (Technical)

Once the job analyses are complete, we will be conducting new examinations for these classifications to develop new hiring lists.

FINDING NO. 2 – CHANCELLOR’S OFFICE ACCEPTED UNSIGNED APPLICATIONS FOR TWO EXAMINATIONS

The Chancellor’s Office is developing a new process for accepting applications from applicants that are emailed for examinations that will ensure all applicants deemed qualified sign their application prior to examination. Once we have finished developing this process, we will be providing the Board with a written report that includes the relevant documentation of changes in our application process for examinations.

FINDING NO. 3 – CHANCELLOR’S OFFICE EEO OFFICER IS NOT A MANAGER AND THE POSITION DOES NOT DIRECTLY REPORT TO THE CHANCELLOR

The Chancellor’s Office has corrected this finding by implementing organizational changes in regards to the EEO Officer having a direct reporting relationship to the Chancellor. (See attached Organization Chart.) The Chancellor’s Office is in the process of hiring a Human Relations Manager, whose assigned duties include the responsibility of EEO Officer.

FINDING NO. 4 – THE CHANCELLOR’S OFFICE DOES NOT HAVE ITS OWN INTERNAL DISCRIMINATION COMPLAINT PROCESS

The Chancellor’s Office does have an internal discrimination complaint process. It is set forth in the Chancellor’s Office Administrative Manual, section 1820, “Affirmative Actions and EEO Procedures for Resolution of Discrimination Complaints.” The Chancellor’s Office is planning on updating this process and will be providing the Board with a copy of the policy implementing this process.

FINDING NO. 5 – THE CHANCELLOR’S OFFICE DOES NOT OPERATE A DISABILITY ADVISORY COMMITTEE

The Chancellor’s Office is in the process of establishing a Disability Advisory Committee. Once the Committee is established, the Chancellor’s Office will be providing a written report to the Board with relevant documentation.

DEPARTMENTAL RESPONSE

The Chancellor's Office accepts the findings in the Compliance Review Report and is committed to developing an action plan to ensure they are in compliance.

If you have any further questions or need additional information, please contact me either by phone (916.323.0163) or email (asanders@cccco.edu) or contact Michelle Goldberg, Interim General Counsel, either by phone (916.445.4826) or by email (mgoldberg@cccco.edu).

Sincerely,

Adria Sanders
Labor Relations Analyst

Attachment

ATTACHMENT

California Community Colleges Chancellors Office Functions Overview – Effective February 2014

